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If our friends who favor us with manuscripts for

publication wish to have rejected articles returned they must in all cases send stamps for that purpose.

The Assembly has done its part in the work of restoring control of the Police Deits share and for the Governor to append his approving signature. Why should any person expect successful opposition to the progress of the Bingham bill?

## Government Afloat.

Our esteemed contemporary the Milwaukee Sentinel misunderstands the symptoms when it says:

"THE SUN is, or professes to be, considerably worried and fretted over the comparatively shabby and unimpressive travel accommodations to be furnished for the two parties of Congressmen who as reported, will take ship for the 1sthmus of Panama shortly after adjournment, and it strongly urges a change in the programme belitting the dignity of the excursionists and calculated to exploit to the full the great spectacular and educational possi bilities of the occasion.

It is not so much to the quality as to the distribution of accommodations that we object. Part of the Legislative Department of the United States Government is proceeding to the Isthmus on a tramp transport, while another part, including the Speaker of the House, goes thither under the German flag on a Hamburg-American ship.

It is true that an attempt is to be made to raise the average by sending the Executive Department, in the estimable person of Secretary TAFT, down the ladder of the latitudes on the cruiser Columbia, formerly known as the Pirate, or on some naval vessel of equal or ampler accommodations.

But this is not as it should be. The average accommodations may be raised by assigning the Columbia, or something larger and better, to the Executive Department, but the discrimination remains -this hateful discrimination between the great equal and coordinate branches of the Federal Government in respect to travelling facilities and dignity of trans-

## The Rights of Innocent Bondholders

When Mr HARRIMAN and his associates obtained possession of nearly all of the Chicago and Alton Railroad stock in 1899 they placed a new mortgage on the railroad and sold to themselves thirty-two millions of the new mortgage bonds at 65, and with part of the proceeds they paid to themselves a thirty per cent. dividend on the stock. facts were testified to by Mr. HABRIMAN before the Interstate Commerce Commission. Mr. HILLARD, the comptroller of the road, told the commission later that he had been advised by counsel that this bond issue was illegal, and Commissioner HARLAN then read the following section from the Constitution of the State of Illinois:

"No ratiroad corporation shall issue any stock pr'bonds except for money, labor or property actnatly received and applied to the purpose for which such corporation was created; and all stock diviands and other fictitious increases of the capital stock or indebtedness of any such corporation ".hiov od Hada

In a recent article we stated that "if wold bonds are sold to innocent purchasers the parties engaged in this scheme subject themselves to civil liability to the parties damaged thereby." We did not, however, discuss the question of the rights of innocent purchasers against the corporation.

Directors who improperly burden a railroad corporation by increasing its indebtedness for a corporate purpose not legitimate may be liable to the corporation itself, or the corporation may be called to account by the Commonwealth under which the railroad holds its charter. But the question of the rights of innocent purchasers is entirely a different matter, and it may be of interest to glance at the decisions of various courts in reference to that question. Of course, if innocent purchasers are not damaged and their coupons are paid and the bonds themselves are paid at maturity by the corporation, such ages resulting from the purchase of 100 bondholders suffer no pecuniary damage and no action will lie on their part.

A railroad corporation, although quasi public corporation in so far as the Government, Federal or State, be concerned, is not organized for the purpose of government like a municipal corporation, but a railway is in reality a private corporation, organized for pecuniary gain, and the general rule is that the ration shall issue stock or bonds, excorporation cannot raise the question of its power to make the contract contained in its bond. And even in the case of a | tious increase of stock or indebtedness municipal corporation it has been held shall be void." The court held that the that where the contract is ultra vires stock was undoubtedly good in the hands because of a defect of power in respect to its duration, and there is nothing of illegality in the contract, the city must | tended showed that the stock issued was pay for benefits received. A plea by a unauthorized, and that admitting that it does to President Ellor. As a sportsrailway or by any private corporation of the issue was illegal, the corporation was ultra vires or that the corporation has estopped to claim its invalidity. gone beyond its powers will not prevail when, instead of defending justice, it will LAWRENCE of Illinois said in the Bradley made it [the contract] and by so doing | agreed to build a railway from Peoria have placed in your corporate treasury the fruits of others' labor, and every principle of justice forbids that you be

the contract sought to be enforced; but, on the other hand, the corporation cannot evade the payment of borrowed money on the ground that it expended the money borrowed in an unauthorized way. A stockholder can prevent by an equity action the carrying out of a contractultra vires before it is performed, but after money has been received from an innocent third party and has been approso so priated by the corporation the doctrine of equitable estoppel is applied "for the purpose of compelling corporations to be honest in the simplest and commonest sense of honesty."

Upon the rights of innocent purchasers we find four leading authorities, in two Association at 170 Nassau street, in the Borough of of which a constitutional provision like that in the Constitution of Illinois was before the court, and in one of which the very section of the Illinois Constitution

was considered. In the case of ELLSWORTH against the

St. Louis, Alton and Terre Haute Railroad Company, which was decided by the Court of Appeals of this State in April. 1885, no constitutional provision was involved, but the question was whether bonds issued by the railroad in apparent violation of its charter were valid in the hands of a bona fide holder of the bonds. There the charter provided in substance that all bonds other than seven per cent. bonds issued by the railroad should be sold at par. HENRY ELLS-WORTH bought thirty of the ten per cent. bonds of the railroad at ninety and ninety and one-eighth, and it was shown that the whole issue of bonds was sold by the company in the city of New York at from ninety to ninety-one. At maturity, March 1, 1880, payment was refused, and on the trial the court directed the jury to find a verdict for the railroad. The General Term set aside the verdict and the Court of Appeals unanimously affirmed the order of the General Term. The Court of Appeals, in its opinion by Judge RAPALLO, held that a railroad corporation "has a general power to make contracts and to borrow money, and persons dealing in securities issued by it may, in the absence of notice to the contrary, assume that restrictions upon this power have not been violated. And the Court further held that as the bonds were issued and sold in New York, and there was nothing in the laws of New York to render the contract illegal. restrictions in an Illinois or Indiana charter did not have the effect of making the contract illegal in this State.

In the case of Woop against Corry Water Works Company, which was decided by the Circuit Court of the United States for the Western District of Pennsylvania in November, 1890, Section 7 of Article XVI, of the Pennsylvania Constitution was before the court. This

"No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting

SAMUEL R. BULLOCK & Co. agreed to build for the Corry Water Works Company certain water works, for which they were to be paid \$100,000 in bonds and \$125,000 in the full paid up, nonassessable stock of the water works amounting to nearly \$7,000,000. These company. Bullock & Co. constructed the water works and received the bonds an action brought by a stockholder to prevent the sale of the mortgaged property the plaintiff claimed that the comprovision because the stockholders' meeting which authorized the issue of the bonds was not called for that purpose, but was called only to vote upon the proposition to increase the capital stock. The Supreme Court of Pennsylvania had already held, in another case, that the only object of a prescribed notice was to give information to the shareholders, and if they had such a knowledge from any source it was enough. In the case then before the court it appeared that every shareholder had been present when the issue of the bonds was determined upon and all had voted in favor of that measure. Judge Acheson, in rendering the opinion of the Federal Court, held that it is not competent for a corporation, "which has received and enjoys the fruits of its mortgage bonds, to assail their validity in the hands of a bona fide purchaser for value," and he added "if the construction contract, as a whole, offended against the constitutional and statutory provisions here invoked, the corrective power resides in the Commonwealth.

> In SMITH against MARTIN, before the Supreme Court of California in December. 1901, the plaintiff sought to recover damshares in the Ferries and Cliff House Railfalsely represented that these shares were fully paid up shares and that they had the stock listed on the exchange. which induced the plaintiff to buy the alleged void shares in question. Section 11 of Article XII. of the California | the sportsman, whereas President ELIOT Constitution provides that "no corpocept for money paid, labor done or United States, who is known to be a devproperty actually received, and all fictiof the plaintiff, who purchased without knowledge of the facts which he con-

which alone can now complain of the

completed tranaction."

In the case of the Peoria and Springfield Railroad Company against THOMPaccomplish a wrong. As Chief Justice son, decided by the Supreme Court of Illinois in March, 1882, it appeared that case in 1870: "It is sufficient that you have THOMPSON, GRIGGS & Co., contractors, to organized intercollegiate contests as to Springfield for \$20,000 a mile in first mortgage seven per cent. bonds of the company and \$12,000 a mile in the paid permitted to evade payment." In refer- up capital stock of the company. Five nce to an executory contract or a con- hundred and ninety of the bonds were

fence that it had not the power to make | ers for value without notice of any supposed infirmity in the bonds. It was claimed by the railroad that the bonds were void because, under the provision of the Illinois Constitution hereinabove cited, the company had no power to issue them except for money, labor or property actually received and applied to the purpose for which the corporation was created. This constitutional provision is virtually copied in the Revised Statutes of Illinois of 1874, in Chapter 114, Section 22.

The company claimed that every bond issued by a railroad company since the adoption of the Illinois Constitution was absolutely void, in the hands even of an innocent holder, unless the same had been issued in satisfaction of an existing liability on account of money, labor or property previously received and applied to some corporate purpose.

Mr. Justice MULKEY, in delivering the

opinion of the court, said: "If the company should subsequently divert the proceeds to other than corporate purposes, the purchaser of such stock or bonds, who has acted in good faith in the matter, cannot be affected by the subsequent misappropriation by the company. To hold him or his assignee responsible for the application of the proceeds would be to effectually destroy the usefulness and value of such securities In short, we are of opinion that when one, for a present consideration, in good faith purchases bonds or stocks in the regular course of business from a ratiroad company, and such consideration is accepted by the proper officer of the company, and nothing appears to show that it is to be used or applied to other than legitimate corporate pur poses, such bonds or stocks, when thus issued, will be regarded as having been issued for money, labor or property (as the case may be), 'actually received and applied,' within the meaning of the constitutional provision in question.

While these cases and the general principles of law invoked by the courts protect innocent purchasers who have paid money for their bonds, these decisions do not apply to those first takers of illegal or void bonds who had knowledge at the time of a constitutional or statutory inhibition making the issue void.

The Prince of Hoosier Song.

JAMES BYRON ELMORE, the chief Indiana versesmith, has opened the spring season. He came into Crawfordsville Saturday with a load of maple sugar, a by-product of his sacchariferous song. "Literary circles" are hoping that he will vet make maple sugar as famous as sassafras, with which his name has been associated since he built the deathless

Sassafras. O sassafras. Thou art the stuff for me. And in the spring I love to sing. Sweet sassafras, of thee!"

There will be worldwide regret to hear that the Bard of Alamo has sacrificed his vocal locks. He is no longer uncut of tresses, crinitus IOPAS. They have felt the barber's shear. He has had them shorn as a testimony against the Indiana Legislature. Mr. ELMORE, swelling with indignation, tosses away the plectrum and grasps the bungstarter:

The people seek for laws most fair, From the hands of those our honors bear But they are slack and cannot see They owe their power to you and me And so we're doomed for time to com By act of Legislature bum

A thousand dollar whiskey bill. They chaw and chaw and try to kill A hell on earth they cannot stop Because Old SATAN's at the top. It seems as though they favor rum, A Legislature cold and bum."

and stock. Default was made in the McCloskey, our Representative, for he payment of interest on the bonds, and in is all right and has voted just about as I would have done," but as for "most of the bunch," he is sure that they deserve the deep damnation of his sounding pany had violated the constitutional lines. We do not wish to judge that Legislature harshly, but wherever the English language is spoken the words of JAMES BYRON ELMORE go. If there is naughtiness in Indianapolis, let it be amended. The stool of penitence waits:

" Sly soar the sylphides, flying near, That pour sweet murmurings in your ear. "Do right, do right," they softly say, "And push the Evil One away."

Push the Evil One away! Thus does the gentle singer of Nature become a stern moralist, a corrector of erring men, a law to lawmakers. Nowhere else has literature so high and powerful a place and function in the State as in Indiana. In spite of weaknesses in its present Legislature, a State which can boast of iewels like ELMORE and BEVERIDGE is arrived." "Some turbulent scenes will rich beyond comparison.

President Eliot's Point of View.

There will be intercollegiate football at Harvard in the fall, and hockey and basketball, the latter of which the girls play without impropriety, will still have a place in the physical curriculum. The sentiment of the Harvard governing same relation as the President should have to Congress, decides the question under the ban are to be or not to be. A constitutional president, Mr. ELIOT bows to the written law, and the unwritten, way on the grounds that the directors had for that matter, but he is of the same opinion still.

We think the critics of this courageous ignore his duty. They regard intercollegiate games from the point of view of contemplates them as an educator. This is no reflection upon the President of the lotee to sport in all its manifestations. although he has to draw the line at cockfighting in Cuba. But he is not president of Harvard University. It is quite natural, then, that the ethical and utilitarian view of intercollegiate athletics does not appeal to him as powerfully as

consideration. Perhaps President ELIOT takes intercollegiate football too tragically-some of us think he does; but his objections supported by the public without a stiver of expense to the seats of learning are rational enough when looked at solely from the point of view of the educator, President ELIOT submits that as the great majority of undergraduates do not ot which still remains unexecuted, a paid over to Thompson, Griggs & Co. take part at all in football, but merely ate corporation may say in its de- and passed into the hands of other hold- look on, the game has no educational

for the players, who both in practice and competition endure physical wear and tear which unfits them for work in the classroom. If President ELIOT could induce every other man in college to play football for an hour a day, and if some of the gladiatorial struggles could he "cut out," he would be the most enthusiastic supporter of football in America, and so with regard to other intercollegiate games. In a word, he thinks there is so much ethical and utilitarian

value for them, and no intellectual value

loss in them that his voice is for war upon them as now played and financed by a sport loving public that waves college flags but does not have many degrees. And no doubt the agitation he keeps up with such fortitude will direct attention more and more to the ethical and utilitarian gain that would result from making participation in sports more

popular with college men. The American undergraduate as a type must plead guilty to the charge of looking on from the side lines and the gallery at the sports of the stars and gladiators, and seldom, or never, joining in them himself. If President ELIOT's example and exhortations, though he may be called a mollycoddle, shall change all this, and turn the gaping and howling undergraduate crowd into habitual players of football, baseball, hockey, basketball, tennis, handball, golf and all the other lung expanding and brain invigorating sports, the president of Harvard will win a glorious victory and be justly hailed as a national benefactor. But the consummation will never come if intercollegiate games are regarded only from the sporting point of view.

Raphael and Zadkiel.

Unfailing, apparently, is the prosperity of our old star reading, almanac making friends whose magian majesty is hidden under the masques of "RAPHAEL" and "ZADRIEL." They represent a tradition and sequence of soothsayers by the side of which our own ROBERT BAILY THOMAS is but a babe. They are rich in the terms of art of astrology, a science presumably as valuable now as in the days when kings and princes kept their astrologers. They are not plebeian and illiterate like too many of their brethren in this country, which abounds in prophets of all sorts, including GROSVENOR and JIM JONES and GRIM JIGGS. Shall we look into the seeds of time a moment with the eyes of these inspectors?

Are astrologers always bilious, or do their clients take comfort in calamity? In many searchings of their charts of fate we have never found much of anything cheerful. They seem calculated for the delectation of old fashioned Populists of the Ocala brand or Boston anti-imperialists. Like comets, these modern FLUDDS and LILLYS are always Threatening the world with famine, plague and

To kingdoms deaths, to princes many curses, To all estates inevitable losses.

war,

This very month of Mars the moon elevated above and in opposition with that red headed and truculent planet, is going to produce bloodshed and earthquake; "Toward the latter end of this month relations between him and JUPITER will be strained. About that time look out for trouble in North and South Africa. The moon and Mars are going to "cut up" scandalously to the disturbing of the peace of Great Britain, probably by the suffragettes. In Constantinople, in Russia-but astrology should begin at home. Tremble, sceptics, at the clairvoyance of ZADKIEL:

"In the United States . . railway stocks will fluctuate and very probably suffer a great

decline." This may yet be right, but were it not for the unfortunate word "latter," probably a scribe's error, for ZADKIEL writes in cuneiform or hieratic, what a hit this vaticination would have been already. Some wildcat schemes in Wall Street will come to grief," continues the wise one. If it be objected that this is a vague, easy and standing guess, go to Washington; and what do you see: "The moon in Gemini, the ruling sign of the

Anybody with the slightest familiarity with Mr. ROOSEVELT'S views, especially his views on race suicide, can understand, though no astrologer, what the ruling sign of the United States is. "Leo ascends"; which being interpreted is: "British stock goes up since Mr. BRYCE

soon be witnessed in some of the old

States": the baseball season begins. RAPHAEL warns the Kaiser to keep off the water, advice prompted perhaps by British commercial fear rather than the stars. The moon in the ninth house is unfavorable to shipping interests." At Washington "the ingress takes place in the tenth house, indicating disputes in body, to which President ELIOT has the | the Senate." RAPHAEL seems to have called an extra session. But what practical counsel comes from these oracles of whether football and the other sports Chaldean lore? Well, to-day is a black day, "unfavorable, postpone important business." On March 20 "court, marry and ask favors" in the afternoon. On March 21 "sell, do not quarrel." This part of the prophetic book will not appeal to Americans. Their affairs are ordered man sometimes mistake his attitude and | and regulated at Washington by a higher wisdom.

Upon the acquittal at Culpeper, Va., of JAMES and PHILIP STROTHER, charged with murdering their brother-in-law, WILLIAM F. BYWATERS, Judge HARRISON thus addressed the jury:

"I thank you for a verdict which I think will be approved by the public. It is an established preceent in the State of Virginia that no man tried for defending the sanctity of his home should be found guilty."

An unwritten established precedent, of course, and a repeal of the common and statute law. If Judge HARRISON's view applies to such a state of facts as was brought out in the Strother case, why have man it will have to be admitted that a jury trial? Why not leave all such pain-President ELIOT is not entitled to equal ful cases to the prosecuting attorney and the Judge who has jurisdiction, and save expense?

From Moody's Maga:ine. The rapid growth of the nation's great metropolis a source of national interest and pride. Statticians figure that the population of the city exceed that of London by the year 1915, and will ouble in twenty five years. The present generation will undoubtedly see in New York the world's greatest metropolis. Few persons realize that the opulation of New York city is already one in wenty of the population of the entire United States, or that the growth of New York city in the century ast has been five times more rapid than the growth of the whole country.

SOME ART NOTES.

The prices obtained at the Georges Viau sale held the other day in the Durand-Ruel galleries, Paris, were excellent, but for some of the pictures no more than might have been expecte.'. Indeed, thanks to our odious and unjust taxation on foreign art, we pay top notch prices for Monets, Manets, Renoirs. The surprise was the high sums gained for Cezanne's canvases. Those lucky investors in Cezanne at \$50 apiece must have rejoiced when his "Fruits" rought \$3,800, while two landscapes went for \$5,000. Cezanne has been such a "dead one," to employ dealers' parlance, that his discovery by wealthy amateurs is a joy to discriminating amateurs-and also subject for sorrowful reflection. Who knows whether the realists and impressionists may not hold the market twenty years hence as do the Barbizon men to-day! Stranger things have happened in this queer and misty midregion so admirably represented here by J. Alden Weir.

The Renoirs at the same sale fetched big prices, as did the Monets and Sisleys. good Monet in New York, one of his econd period, cannot be bought for less than \$5,000 to \$7,000. And Degas-he, too, for the wealthy collector. No doubt Cezanne's popularity began with his apotheosis two years ago at the autumn salon; and the greater impetus was his recent death. There is some quality of optical purification after a painter's funeral that sends his values aloft. What is it? Doth mortality lend us new spectacles? A living man, even a comparatively

roung one, Maxime Maufra is enjoying the pleasure of being appreciated while he still paints and before he has, we hope, done his best work. Of the vigor and veracity of Maufra's landscapes any one who has seen specimens of his work at Durand-Ruel's, on West Thirty-sixth street, New York, will admit. Beginning near Monet, M. Maufra has achieved a personal note. He is a temperamental painter.

Among our own younger men few have

displayed such a rapid rise as Luis Mora. He is already an N. A. But that must not be laid to his door. He is youthful, and probably he was snow marooned some stormy night in Fifty-seventh street when the Academy life saving station sent out a life buoy. However, he does not paint according to respectable traditions, notwithstanding his reverence for William M. Chase. Mora belongs to the modern Spaniards who date their ambitions from Goya. Robert Henri has felt this current and has succumbed to it when he so pleased, but never was carried too far down stream. Mora sometimes is. Whether or no he has studied Zuloaga, his paint and pose of subject is suggestive. And very rough and dashing is his execution. Brio! Chic! are two imported words that best express his quality. For our part we prefer the sober tones and sincere vision displayed in his father's portrait, which, with other works of Mora, is now on view at the New York School of Art galleries, 2239 Broadway, corner of Eightieth street. There is a fin dignity in the head and figure of this striking looking gentleman-himself an artist. There are some familiar pictures from recent exhibitions, the "Spanish Café" and "The Pirate and the Prisoner." The "Sun Screen" is a problem which often delights this painter: a girl bathed in the broken lights that filter through a lowered blind; the girl is blue, the light golden, while without are touches of green vegetation. The effect is of a mellow richness. There are twenty-three examples in all, portraits, landscapes, even a big copy from Velasquez's Baltazar Carlos, and the Mendicants," owned by the National Academy, with its pot bellied brown Murillo beggar boy. It may not be denied that the elash of tints and the tonal oppositions so reely indulged in by Mr. Mora are very exhilarating, but they can be hardly pleasing to the average academician.

There is an exhibition of medals and plaques by Victor D. Brenner at the Grolier Club.

O. H. von Gottschalck has been holding an interesting exhibition of his tonal paintings at the Salmagundi Club. William Retschel's paintings of Holland scenes are now at the gallery of Louis

Katz, 308 Columbus avenue. They reveal a feeling for tonal effects and fidelity to nature. Ernest Peixotto, one of our younger

and ambitious illustrators, recently exhibited some of his studies of French gardens at the Clausen Galleries, in Fifth avenue. He has lived for some years at Fontainebleau, and these paintings betray serious aspirations. The rare all very well done, the color scheme being decora-

It is past the first of March, yet has no new Rembrandt been shown. Is there a strike at the factory?

At the Noé Galleries, 368 Fifth avenue, among many captivating pictures of the modern French and Dutch schools there is on brief exhibition a magnificent example by Charles Jacque, "The Shepherd and His Flock." The picture, from the collection of a Dutch gentleman, has been sold privately in this city. It is one of the most distinguished Jacques we have seen for a long time. The subject is trite, flock of sheep and a shepherd-it's as common as the C major chord; yet when orchestrated by a master of instrumentation this chord can be of matchless sonority. The Jacque sheep are not so woolly as the average Mauve; grouped as they are in the foreground, each member of the flock is an individual. The man is worthy of some old Dutchman-a living creature, broadly brushed in, yet a Dutch minuteness of detail is seen under the glass. The composition is harmonious, full of atmosphere and possessing that inexpressible something we call reality. The coloring is rather subdued, the animals in particular not exhibiting any attempt at brilliancy. The picture was executed about 1883.

Value of Our Forest Reserves.

According to the National Geographic Magazine the United States Forest Reserves exceed in value all the arsenals, warships and the navy yards controlled by the War and Navy Departments com-bined. The present area of these reserves is more than 125,000,000 acres, an area equal to that of all the North Atlantic and Middle Atlantic States as far south as Virginia. The net value in stumpage, grazing land, commercial forest, horse-power and improvements has been estimated at \$1,418,400,000. Practically all of this vast potential wealth is in the Western and Far Western States. If the forest wealth of the Philippines were estimated and added the total would reach fully \$2,000,000,000, or \$150,-000,000 more than twice our entire interest bearing public debt of \$825,000,000, of which \$30,000.000 is simply a future dividend paying investment in the American Panama Canal. Without the Philippine forests the value of these

reserves is not very far from being equal to the value of all the money in our Treasury.

Notes From Australasia New South Wales offers \$20 a head toward the passage money of approved agriculturists and

domestic servants to that colony, and \$20 a head for other desirable immigrants. New Zealand wishes to keep to the front at the approaching British (olonial Conference the proposition that the white race in Australasia shall be maintained.

Australia would buy American furniture if I was made in designs to suit Australian tastes, re ports Special Agent Burrill of the Bureau of Manu Newcastle, N. S. W., is now a very important

port, with its 80,000 people, and situated 102 miles by rail or sixty miles by sea from Sydney. The principal shipments are coal. Last year 1,779 vensels entered and cleared, having a combined tor

BRYAN AND HAMILTON.

TO THE EDITOR OF THE SUN-Sir: An nteresting phase of Mr. Bryan's peculiar mind can be discerned in his effort, in the moot court debate he is conducting with Senator Beveridge, to make Hamilton's plan of a Federal Constitution justify the extension of national jurisdiction, under the existing Constitution, so as to include Federal incorporation of railways and ederal ownership of them.

The Hamilton plan failed, as did the Virginia and New Jersey plans. All were superseded by an unforeseen and unexpected compromise, which has been blessed

by its results Mr. Bryan makes no allusion to that memorable debate at Poughkeepsie, nearly 19 years ago, in the New York convention

o consider the draft Constitution, in which Hamilton, in combat with Clinton, finally changed a majority of two-thirds against the draft into a majority of three in favor of it. He says nothing of Hamilton's more than fifty essays in the Federalist to persuade his countrymen to accept the Con-

titution, nor does he allude to Hamilton's

years of labor in Washington's Cabinet,

which gave life and vigor to the immortal document. Hamilton was, as every one knows, an advocate of a strong national Government, but Mr. Bryan will be unable to bring forward evidence that the former ever tolertted, or would have tolerated, such a loose interpretation of the Constitution regarding regulation of commerce among the States by railways as that of which he and Senator Beveridge and President Roosevelt are

advocates. NEW YORK, March 7.

ONE MONKEY. By a Lucky Accident He Discovered Some thing, and Evolution Began.

A. F. H.

To THE EDITOR OF THE SUN-Sir: I have care ully read the letters in THE SUN on "Evolution. As a student of evolution I do not think that because he known brutes have not risen to a higher state main question, the evolution of man, is at all ected. We are not dealing with thousands of

years, but with millions. theory is-and no one claims more for te than a theory, though at the same time a most reasonable theory—that some monkey millions o years ago went one point further than the rest of his associates. Possibly through an accident or reak he discovered the use of fire or a lever of the freak ne discovered the use of the discovery to his offspring. I will not go thto a long dissertation on the primates or progress from step to step. It was probably through an accident that a mo ipon something that led to an evolution of primi

ive man-one monkey only. When I was a young man I thought evolution meant that man had gone through all the stages, bulls, horses, lions, &c., and so evolved. I am now convinced that all these animals are at the end of their string. In the upward march of life differen-tiating and branching off into various forms of animals, there was one particular animal, a monkey who had reached the upright walking stage. He accidentally discovered something. lone did it or man and the Stock Exchange would never have been heard from. That monkey was my ancestor. Nature produced life; man is probbly the result of an accident or freak.

Ernst Haeckel says: "Humanity is but a transitor; phase of the evolution of an eternal substance, particular form of matter and energy, the true proportion of which we soon perceive on the background of infinite space and eterna

When after arriving at the first stages of inquiry delved into the books of Prof. Haeckel and other evolutionists my atavistic predilections were shocked, but to-day I am convinced that the evo lution theory is correct. As the human race be comes more and more conversant with the idea under whatever theory, morality and responsibility toward our fellow men will increase. L. J. NEW YORK, March 7.

TO THE EDITOR OF THE SUN-Sir: In cent editorial you seemed to be uncertain as to whether I had ever broached the question of a maximum and minimum tariff on the floor of the House of Representatives. call your attention to H. R. 404, Fifty-ninth Congress, first session, introduced by me on December 4, 1905. Some time after that I made a speech in which I dwelt at some length upon that subject. The date of that speech

cannot now recall. It is in the Record. JOHN SHARP WILLIAMS. WASHINGTON, March 5.

Applying a Cruel Test to a Famous Reformer TO THE EDITOR OF THE SUN-Sir: In his articles on "Caste" in a current magazine Charles F. Rus sell knocks some nails squarely on the head. Un-fortunately he weakens his case by warping incidents to fit it. Speaking of a disgraceful hazing in a British regiment he says that after a parlia mentary inquiry "nothing was done" because the officers were "from the best families in England." The facts were that the Colonel of the regiment in question was retired summarily, a Major was cen sured severely and three snobbish young subal-terns were forced to resign. The regiment was then packed off to a desolate Indian station years

ahead of its roster. Mr. Russell's "lady," whom he saw sweep ahead have met before and since in many climes. But is he sure the people said nothing because she was of the quality, they the proletariat? The wife of a New Yorker noted rather for money than refine nent swept from her auto to the head of at the Hippodrome ticket window last week. I was "next," but since I could not give her a footbal shoulder she got in ahead of the long, patient line which gave a sigh of resignation and waited until she had gone before it expressed itself as to "the nerve of some people." Like the London crowd, probably, it was neither rank nor title that kept us quiet, but if she could afford to do such an act we rould not afford to equal her rudeness by expostu

Another American writer, F. C. Howe, dips into British affairs and weakens his case from the out-"Out of the aristocracy come the officers of the army and navy." Mr. Kipling says that they come chiefly from the middle class. I have rela tives high in both branches, but my grandfather and father were lawyers in a country town, my cousins and brothers are Majors and Flag Lieuten ants, bank clerks, estate agents and country doc tors. I doubt if we ever spoke to an aristocrat in our lives. Mr. Howe makes out a magnificent case against British landowners who pay no direct land He forgets to say that we have an income tax in its place, and that of course makes his cloquent figures utterly misleading and false But now we know by what standards you have been weighed and found wanting. More power to NEW YORK, March 7.

Feast of the Food Warriors.

TO THE EDITOR OF THE SUN-Sir: So geur" thinks I'm a "bluff"? Well, I've been known o "bluff," but in this case I wasn't doing it. his "Dutch treat" plan suits me well enough. He can make the arrangements himself, according his own suggestion. It ought to be an interesting evening. Put me down for a place, please, "Voyageur." I'd still like to supply the cocktalls. What out guests? Shall we say that each member may bring one guest if he so desires?

NEW YORK, March 6. Another Epicure Accepts.

To THE EDITOR OF THE SUN-Sir: Please put ne down for an orchestra chair at the food war banquet: that is, providing there are six other ceptances. It would take six to make the row MANHATTAN NEW YORK, March 7.

Cause and Effect. While winds of March blow cold and keen And distant seems the springtime green, What does she don with direful mien? Her thinking cap.

And likewise on such days as this. To portents and to signs remiss What does he wear in witless bilss! A dunce's cap. When comes the brilliant Eastertide

And she walks proudly by his side What is it tops her smile so wide? And likewise when that day has brought

Its tale of duds and headgear bought, What is it crowns his dome of thought? MCLANDSURGE WILSON. THE ARMY ON THE ISTHMUS.

Consideration of the Limitations of Mus tary and Civilian Engineers. To THE EDITOR OF THE SUN-Sir: I did

not, and do not, purpose to express any esti-mate of the capacity of the army engineer. My criticism, both open and implied, is of the entire military system which limits his performance to that of the most moderate capacity. That system knows nothing of commercial limits and competition which set the pace for civil engineering. The men under it can move only as far and as fast as the machine permits. All praise to their faithfulness and their honor But the civil engineer, who is a free unit fighting for professional life and winning only by ability to make every dollar do as much and earn as much as possible for his employers, of necessity develops far more exacting standards of efficiency and performance than his military brother, even if he start

with no larger capacity. You imply disapproval of the idea that chief engineers of the canal might "insist on plans different from those of their superiors." I used the word "plans" loosely, but chose "superiors" advisedly, as the reference was to the military engineer at that point but let that pass. Is it not in fact the pecul-iar province of the professional man to accomplish the purpose of his employer by ordering that employer's course? Would any lawyer or physician of standing keep your case on any other basis? If you insistently hampered his action, ignored his advice, and counterchecked his methods, would be not withdraw from an engagement in which he could do no good, but by continued association would wreck his own reputation, and by reflection would bring discredit upon his

profession? I am offering an illustration only, not aserting that it is parallel to anything that has happened at Panama. But if such a situation should develop on the Isthmus, there is this important difference in result to be expected, depending upon whether civil or military engineers are in charge: The civilian would (and, as I believe, properly should) resign. The issue would lie open and unconcealable for the country to examine. The army man, just as honorably loyal to his different code. which makes obedience to orders the highest duty, would acquiesce. The country would have

no way of knowing any thing about it at all. It is perhaps idle to repeat the question which situation is most likely to work for the national good. It is a question rather of the Rooseveltian pleasure. course, absolutely right in pointing out that the so-called Spooner law gives the President all the responsibility for the construction of the canal and all the power of selecting either civil or military constructors to perform the work under him. You have remarked heretofore that the President's counsels are not divided-with any one or about anything. A commission two-thirds military and a chief engineering force wholly military are excellently disposed for the exercise of this emper in the Commander-in-Chief. But it may yet be worth while to point out the con ditions and the inevitable tendency, for after all it is the United States that owns the canal and must answer to the world for everything connected with it-and powers delegated are not powers relinquished

NEW YORK, March 7. CHARLES B. GOING. From the Scientific American.

After the experience that has been had with civilian engineers, it is gratifying to realize that the control of the work has now been placed in the hands of military men, with whom there will be no thought of ever turning back until the job is completed. There is an end of resignations, once and for all for the military man cannot desert the work if he would, and his pride of place is such that e would not if he could. The Scientific American is on record as believing that the best results would have been secured by letting the canal by contract under the supervision of a civil engineer of wide, practical experience, the advantage of letting by contract being that the large contractors know exactly where the right classes of labor and the particular force of skilled mechanics and foremen can be found; that they have the plant, or a large portion of it, already in hand; and that they have back of them long years of experience in handling large bodies of men in the execution of works of magnitude.

In professional ability, theoretical and executive, however, there is no finer body of engineers in the world than those of the army. Through all the many decades in which they have been planning and superintending the construction of great national works, there is scarcely an instance to be found of colluon between the engineer and the contractor and these few cases have been visited with speedy and condign punishment. army engineers the work will be executed the highest professional with the thoroughness which characterizes all the army engineer's work, and with the most scrupulous fidelity in the handling of the national finances.

That it may take somewhat longer than if it were executed under contract and civilian nation may at least have the satisfaction of knowing that it has seen the last of these all too frequent resignations and the frequent and demoralizing changes of base and policy which have so delayed the progress of the canal.

Physiological Comfort for Lenk. From the Lancet.

In some measure she fasting enjoined by the Church during the season of Lent may be defended. all events in a large number of cases, on physiclogical as well as on moral grounds. The custom of the Church is a very old one, and though modern ife has rendered the carrying out of fasting on strict lines untenable, most intelligent people are prepared to confess an admiration for and a sympathy with the general principles of a scheme which has for its object the discipline and well being of the body and the mind. That being so, the strength of purpose is more likely to receive help when a specific season for carrying out the disciplinary exercise is selected than if the time were chosen in a haphazard way. Lent may there fore be regarded as a convenient season when the individual addicted to various obvious luxuries and excesses can effectually brace his moral strength forego those things which he knows perfectly

well he can do very well, if not better, without From the Church's point of view there is, of course, a wider and deeper significance attached to what she regards as a holy season, but it is only in ou province to consider the subject in its bearing upon the welfare of the body. The season gives the creature of more or less selfish or bad habits an excellent opportunity of relinquishing those habits for at any rate a certain period, and he may, and probably will, receive a salutary and moral lesson which may induce him to lead a better and physic logically happier life. He may be poisoning him-ing himself, for example, by overindulgence in tobacco, alcohol or even food, and he may find that as a result of his determination to give up these excesses for a season his mental and bodily activiiles are improved, his health is altogether better and so he is constrained to go on with the "godly, righteous and sober life."

It would be difficult, if not impossible, to defend y physiological arguments the excessive fasting of the old ascetles, but fasting from luxury and excess is a procedure absolutely in harmony with a vigorous, healthy and moral condition. The conduct indicated, therefore, in the Lenten fast of the Church is calculated to lead the erring into the paths of physiological righteousness.

Our January Foreign Commerce.

our foreign commerce department we closed 1906 with a brilliant record for the calendar year both as to exports and imports, the total being \$3,119,000,000. According to the Bureau of Statistics, exports for January, 1997, reached the sum of \$189,260,250, the largest January total we have ever had, being \$18,856,747 in excess of the exports far

January, 1906, the previous record January. Imports for January, 1907, were \$126,576,965, or \$20,055,440 greater than the sum of the imports for January, 1906. The balance in our favor in Janu-ary, 1907, was \$62,683,285. Except in January, 1906 \$64,081,528), this is the largest January favorable balance we ever enjoyed. In January, 1906, we had to export \$16,828,168 in gold, and in January, In January, 1905, we 1906, we exported only \$2,443,441. Our gold im ports in January, 1907, amounted to \$3,204.457, leaving us for the month an increase of \$761,016 in our gold stock. For the seven months ended January, 1907, our foreign gold gain was \$78,704,174, against \$23,585,119 gain in the sponding months of the fiscal year preceding, and in very pleasant contrast to \$30,655,403 in the seven months ended January, 1905. From \$30,000,000 loss to \$78,000,000 gain in only two years is remarkable, even for the United States.

Explained. Knicker-They called it a rich man's panie in

Bocker-Of course, it was early for apring lamb. ]